



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**OCT 03 2014**

Somerville Redevelopment Authority and  
The City of Somerville  
Attn: Amanda Maher, Economic Development Specialist  
Somerville City Hall  
93 Highland Avenue  
Somerville, Massachusetts 02143

Re: PCB Risk-Based Disposal Approval under 40 CFR § 761.61(c)  
Former Kiley Barrel Facility  
Somerville, Massachusetts  
RTN: 3-2849

Dear Ms. Maher:

This is in response to the City of Somerville and the Somerville Redevelopment Authority (together, "the City") Notification<sup>1</sup> to address PCB-contaminated materials on the property identified as the former Kiley Barrel facility located in Somerville, Massachusetts. PCB concentrations at greater than (">") one (1) part per million ("ppm") have been identified on 20-22 Prospect Street; 9 and 10 Milk Place; 8 Bennett Street; 14 Bennett Street; 16-20 Bennett Street; and portions of Bennett Street (together and hereinafter "the Site"). The City has submitted a plan to clean up and dispose of the PCB-contaminated materials under the provisions of 40 CFR § 761.61(c).

In the Notification, the City has proposed the following activities:

- Remove PCB-contaminated wastes (e.g., soils and debris) with greater than or equal to ("≥") 50 ppm and dispose at a TSCA-permitted disposal facility or RCRA hazardous waste landfill in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii);

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<sup>1</sup> Information was submitted on behalf of the City by TRC Environmental Corporation to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated July 18, 2014 (TSCA Work Plan dated July 2014); September 9, 2014 (email Response to EPA comments dated September 4, 2014; September 15, 2014 (email Soil PCB Concentrations map); September 17, 2014 (TSCA Risk-Based Work Plan September 2014); and, September 23, 2014 (email Response to EPA comments dated September 23, 2014). These submittals will be referred to as the "Notification."

- Conduct verification sampling in the excavated areas in accordance with 40 CFR Part 761 Subpart O to confirm that PCB concentrations are less than (“<”) 50 ppm;
- Remove PCB-contaminated wastes with > 1 ppm but < 50 ppm as necessary to achieve a minimum three feet below ground surface finish grade and dispose in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii);
- Install a minimum three (3) feet clean soil or soil/crushed stone cap with an underlying demarcation barrier and with finish treatments, as needed; and,
- Record a deed restriction in the form of an activity and use limitation (“AUL”) to document use restrictions and the fact that PCBs at > 1 ppm but < 50 ppm remain at the Site.

The information provided meets the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Given the Site history, the results of the characterization sampling and the proposed removal and disposal plan, EPA has determined that the characterization data are adequate for disposal of the PCB-contaminated wastes. In-place disposal of the PCB-contaminated soils beneath a clean three feet cap will prevent direct exposure of the PCB-contaminated soils to any Site user and will not pose an unreasonable risk of injury to health or the environment. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

The City may proceed with its project in accordance with 40 CFR § 761.61(c); its Notification; and, this Approval, subject to the conditions of Attachment 1. In this Approval EPA has not considered a future use of the Site as the redevelopment plans have not been provided to EPA. Accordingly, under this Approval, EPA is reserving its rights to require additional investigation or mitigation measures should it find that the implemented plan is not protective of health and/or the environment.

Please be aware that this Approval does not release the City from any applicable requirements of federal, state or local law, including those requirements related to other [non-PCB] contaminants under the Massachusetts Department of Environmental Protection (“MassDEP”) and the Massachusetts Contingency Plan. The City must ensure it has all approvals necessary from MassDEP pertaining to this project.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall consider this project complete when it has received all submittals required under this Approval, including documents evidencing construction of the physical control (i.e., 3 feet clean cap with demarcation barrier) and adoption of the deed restriction. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with the 40 CFR Part 761, the Notification, and this Approval.

Sincerely;

A handwritten signature in cursive script, appearing to read "Nanny Barmatic for", written in black ink.

James T. Owens, III  
Director, Office of Site Remediation & Restoration

Attachment 1

cc: Scott Buchanan, TRC  
Alan Peterson, EPA BF Program  
Joanne Fagan, MassDEP NERO  
File



## ATTACHMENT 1

**PCB RISK-BASED DISPOSAL APPROVAL CONDITIONS  
FORMER KILEY BARREL SITE  
SOMERVILLE, MASSACHUSETTS  
RTN: 3-2849**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site and identified in the Notification.<sup>2</sup> Specifically, this Approval applies to the parcels identified as 20-22 Prospect Street; 9 and 10 Milk Place; 8 Bennett Street; 14 Bennett Street; 16-20 Bennett Street; and portions of Bennett Street as shown on Figure 3 of the September 17, 2014 submittal and hereinafter “the Site”.
  - a. In the event that the City of Somerville and/or the Somerville Redevelopment Authority (“SRA” and together, “the City”) identify other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the City of Somerville and/or SRA will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
  - b. The City may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 20.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City shall comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill of PCBs during response actions, the City shall contact EPA within 24 hours for direction on sampling and cleanup requirements.

<sup>2</sup> Information was submitted on behalf of the City by TRC Environmental Corporation to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated July 18, 2014 (TSCA Work Plan dated July 2014); September 9, 2014 (email Response to EPA comments dated September 4, 2014; September 15, 2014 (email Soil PCB Concentrations map); September 17, 2014 (TSCA Risk-Based Work Plan September 2014); and, September 23, 2014 (email Response to EPA comments dated September 23, 2014). These submittals will be referred to as the “Notification.”

6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the City shall submit the following information:
  - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;
  - b. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
  - c. a contractor work plan, prepared and submitted by the selected contractor(s), detailing the waste handling and air monitoring procedures that will be employed during removal and storage of PCB-contaminated wastes. This work plan should also include information on equipment decontamination and disposal of all PCB wastes.



## **CLEANUP AND DISPOSAL CONDITIONS**

12. *PCB remediation waste* (e.g., soil and debris) with greater than or equal to (" $\geq$ ") 50 parts per million ("ppm") shall be removed and disposed off-site in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii).
  - a. Following the removal of the  $\geq$  50 ppm *PCB remediation waste*, sampling shall be conducted in accordance with Subpart O to confirm that the remaining PCB concentrations are less than (" $<$ ") 50 ppm.
    - i) *PCB remediation waste* with greater than (" $>$ ") 1 ppm but  $<$  50 ppm which is excavated to achieve the required Site grade shall be disposed of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii) and/or § 761.61(a)(5)(i)(B)(2)(iii).
  - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
13. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during the cleanup. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, with exception of decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner prescribed in 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified as follows:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

### **DEED RESTRICTION AND USE CONDITIONS**

15. Within thirty (30) days of completing the activities described in the Notification and authorized under the Approval, the City shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following remediation; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term cap maintenance requirements on the Site. The City shall record the deed restriction within seven (7) days of EPA's approval of the draft deed restriction language. A copy of this Approval shall be attached to the recorded deed restriction.

### **SALE, LEASE OR TRANSFER CONDITIONS**

16. The Site owner shall notify the EPA of the sale, lease or grant of any real estate interest in the Site, in writing, no later than sixty (60) days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). In the event that the Site owner sells, leases, or grants any real estate interest affecting a portion of the Site, the Site Owner shall continue to be bound by all the terms and conditions of this Approval, unless EPA allocates some or all of this Approval's responsibilities to the new owner(s), lessee or grantee. The notification procedures are as follows:
  - a. The new owner(s), lessee or grantee must request, in writing, that the EPA transfer some or all obligations and responsibilities under the Approval to the new owner(s), lessee or grantee;
  - b. The EPA reviews the request, and determines whether to allocate some or all of the obligations and responsibilities under the Approval to the new owner(s), lessee, or grantee; and,
  - c. The new owner(s), lessee or grantee provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the Approval or new approval, should EPA deem a new approval is necessary. The Approval or new approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or grantee of its acceptance of, and intention to comply with, the terms and conditions of the Approval or new approval within thirty (30) days of its receipt of the Approval or the new approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on the Site owner.



17. In the event that the sale, lease or grant of a real estate interest in the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the new approval if it finds, due to the change in use, that this risk-based cleanup and disposal action will not be protective of health or the environment. The new owner or grantee shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
18. In any sale, lease or grant of a real estate interest in the Site, the Site owner shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval, except as provided above.

### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

19. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
20. Any modification(s) in the plan, specifications, or information submitted by the City, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The City shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
21. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from the City to make a determination regarding potential risk.
22. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
23. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.



24. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities pose an unreasonable risk of injury to health or the environment; if EPA finds that there is migration of PCBs from the Site; or, if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals.

### **RECORDKEEPING AND REPORTING CONDITIONS**

25. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. The City shall maintain a written record of the cleanup activities and the analytical sampling in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
26. The City shall submit a Final Completion Report (Report) in both hard copy and electronic format (CD-ROM) to the EPA within 120 days of completion of the activities authorized under this Approval. At a minimum, this Report shall include: a discussion of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed off-site; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction and a certification signed by a City official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
27. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527
28. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.
29. Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal law.

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**END OF ATTACHMENT 1**

